REMARKS

Claims 1-13 and 15 are pending. Claims 1, 2, 7, 9 and 11 have been amended. In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

Based on the rejections to the claims, it is apparent that the amendments made after the previous Final Office Action have not been entered in this case. Therefore, Applicant resubmits herein the previous amendments to the claims in response to the prior objections under 35 U.S.C. 112, second paragraph, and repeats the remarks which were previously accepted as overcoming those rejections.

The examiner states that "vehicle seat" in claim 1 is indefinite because it is not positively recited in the preamble. Claim 1 has been amended to more clearly recite the "spring device" as the invention being claimed, as applied to a "vehicle seat." The "vehicle seat" itself is not part of the invention claimed in claim 1.

The examiner also stated that the phrase "the volume in which the air to be compressed is reduced" is indefinite in claims 1 and 11. The claims have been amended to make clear that the claim is referring to the relative amounts of air volumes in two conditions, rather than an active reduction, by use of the term "less ... than" rather than "reduced."

In addition, Applicant respectfully requests that the examiner reconsider his previous position that the term "less" at lines 13-14 of claim 1 is indefinite. To help the examiner understand that it is not indefinite to refer to air volumes that are less than other air volumes, Applicant suggests that the examiner imagine two containers, each connected to a valve that can be switched to allow air flow access to either both containers or just one container. Each container contains a given volume of air. When the valve is switched from accessing both containers to just one container, it is seen that the volume of air being accessed is less. Thus, if the goal were to compress the air to which the valve allows access, when the valve is open to both containers, the combined volumes of air are being compressed, but if the valve is switched

to allow air flow to just one container then a "lesser" volume of air is being compressed. Perhaps this will give the examiner an understanding of why Applicant considers the claim to be definite.

In the Advisory Action dated October 19, 2007, the examiner continued his rejection of claim 1 under 35 U.S.C. 112, saying that the reference to "vehicle seat" at line 4 is indefinite. Although Applicant does not agree with this conclusion, the present amendment to claim 1 is made to more clearly move the references to "vehicle seat" fully into the preamble, such that the claimed spring device operates on vehicle seats described in the preamble.

Claim 2 was rejected as lacking sufficient antecedent basis for the limitation of "the vibration damping additional air volume." Claim 2 has been amended to delete "vibration damping" to make the claim consistent with the antecedent reference in claim 1 to "additional air volume."

Claim 7 was rejected due to unclear usage of the word "means" in the claim. Claim 7 has been amended to remove the word "means" and to clarify the claim.

Claim 9 has been amended to spell out the word "liter" rather than using the abbreviation which confused the examiner.

Claims 1-5, 7-8 and 10 are now rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,466,055 to Keijzer. Keijzer is not directed to a vehicle seat spring system, or concrete to a spring device for use with a vehicle seat. Rather, Keijzer concerns a vehicle suspension unit for the wheels. In order to overcome the examiner's position that Keijzer anticipates claim 1, the claim has been amended so that the vehicle seat is positively claimed as an element of the claim. Thus, since Keijzer is not related to seats it cannot anticipate claim 1.

Claim 11 and other dependent claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Keijzer. Focusing on claim 11 and amended claim 1, it is respectfully submitted that Keijzer is inapposite as a reference against these claims.

In Keijzer, the suspension assemblies S_1, S_2, S_3 und S_4 comprise spring units 124, 126, 128 and 130. These spring units comprise a flexible membrane or diaphragm member dividing the interior of the spring unit 124 into separate upper and lower chambers 138 and 140 (see column 8, second paragraph). The examiner mistakenly cites elements 138 and 140 as control devices. Although, these spring units 124 - 130 have connection lines with suspension units 14, 16, 18 and 12, these connection lines have no switch element or any similar part in order to switch off any additional air volume at a specific time point as it is described in claim 1 of the present application. The operation of the spring unit together with the suspension unit is described more specifically in column 8, lines 38 - 75.

Furthermore, the assemblies appear to be responsible for the adjustment of different levels of the vehicle suspension system, but not for changing the spring characteristic depending on the different travel of the seat (or in the case of Keijzer, the vehicle body), as for example the comfort range and the out-of-comfort-range.

More importantly, in Keijzer the valve 230 is adapted to permit the flow of hydraulic fluid from the pump 226 to the reservoir 224 only in the direction of arrow 234 in figure 1 during such time as the spool valve member(s) 106 is disposed in a position blocking the flow of hydraulic actuating fluid to the suspension assemblies S_1 - S_4, thereby assuring that the fluid pressure of the system does not exceed a predetermined value. Thus, during the time the suspension assemblies S_1 - S_4 are in a state of equilibrium or balance, hydraulic actuating fluid will be merely recirculated to and from the reservoirs 224 by means of the pump 226. The pump 226 has suitable inlet and outlet conduits 236 and 238 (see column 11, last paragraph, to column 12, first paragraph of Keijzer).

The examiner recites that the device in Keijzer includes an automatic height adjustment, citing column 9, lines 56-58. A careful reading of Keijzer at the cited lines will show that it is discussing the control of height with hydraulic actuating fluid, not by use of air or gas. Thus,

Keijzer does not disclose the supplying of an additional air volume to the air spring, as recited in the claims of the present invention. Moreover, the examiner cites item 252 in Keijzer as a "recognition device." At column 9, lines 37 to 45, it is stated that device 252 "function[s] to control the flow of hydraulic fluid." Again, it is clear that Keijzer is directed to a suspension system where the active adjustment is accomplished by the use of hydraulic fluids rather than air. As such, it is submitted that Keijzer is an inappropriate reference.

Therefore, it is respectfully submitted that claims 1 and 11 are patentable over Keijzer and that these claims should be allowed. Since the remaining claims 2-10, 12, 13 and 15 are dependent either directly or indirectly from one of these claims, all claims should now be allowed.

An EFS Credit Card Payment authorizing payment in the amount of $130.00, representing the fee for a Request for Extension of Time under 37 C.F.R. § 1.17(a)(1), large entity, is submitted herewith. This fee is believed to be correct, however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

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